

SACRAMENTO OFFICE
STATE CAPITOL, ROOM 205
SACRAMENTO, CA 95814-4906
(916) 445-1412

DISTRICT OFFICES
455 GOLDEN GATE AVENUE
SUITE 14800
SAN FRANCISCO, CA 94102
(415) 557-1300

MARIN CIVIC CENTER
3501 CIVIC CENTER DRIVE
ROOM 425
SAN RAFAEL, CA 94903
(415) 479-6612

California State Senate

JOHN L. BURTON
PRESIDENT PRO TEMPORE

COMMITTEES:
RULES
CHAIRMAN



August 27, 2002

Karen Getman, Chairman
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, 95814

Dear Chairman Getman:

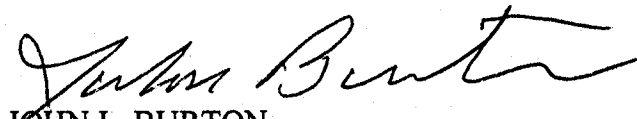
I understand you may be considering amendments to recently adopted regulation Sec. 18531.7 interpreting Sec. 85312 of the Political Reform Act (added by Proposition 34). As co-author of Proposition 34 I wanted to comment on the regulation.

First, it was not my intention to change the FPPC's long standing regulation defining the term "contribution", including payments made at the behest of candidates. If payments are made at the behest of a candidate, normally the payments would constitute a contribution to that candidate unless otherwise exempted. I believe section 85312 carved out such an exception as did a similar section in Common Cause's Proposition 208 – after which Sec. 85312 was modeled. In short, member communications are not contributions.

Second, while Proposition 34 did not define the term "member" I was aware that a similar provision in federal law had been interpreted by the Federal Election Commission by regulation. I believed the FEC regulatory definition of "member" was appropriate and had hoped the FPPC would consider adopting it or something similar. The current FPPC regulation does not track the FEC regulation. I would urge the Commission to reconsider.

Thank you for your attention.

Peace and friendship,


JOHN L. BURTON
President pro Tempore
of the Senate